



Office of the Mayor

NEWS RELEASE

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City administration files hotel ordinance with Council

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A comprehensive ordinance governing residence hotels was filed today with the South Bend Common Council, culminating weeks of research by the city's legal staff as well as consultation within the administration, and with council members and hotel operators.

The ordinance creates a three-tier classification system, based on police calls for service – an approach suggested in a study published by the U.S. Department of Justice. South Bend police have conducted a preliminary calls-for-service assessment of all local hotels and found:

- Most South Bend hotels would fall in the Tier 1 category, which includes the most well-managed and trouble-free facilities. The rate of calls for service would be less than or equal to 0.35 calls for service per room per year.
- One South Bend hotel would fall in the Tier 2 category, on which moderate regulations would be imposed. The rate of calls for service would be between 0.36 and 1.0 calls for service per room per year.
- Two hotels, including the Wooden Indian, would fall in the most regulated, Tier 3 category. The rate of calls for service would exceed 1.0 calls for service per room per year.

“We believe the proposed standards imposed on South Bend’s hotel industry will reduce the problems caused by the few establishments generating most of the public safety personnel responses,” said City Attorney Chuck Leone. “The intention of the ordinance is to impose minimum requirements upon well-managed, trouble-free hotels, and to require the problematic hotels to take action designed to reduce crime and violence on their premises.”

Comprehensive regulations represent one of the avenues the city is pursuing to bring about changes that would affect the Wooden Indian, 1631 Lincolnway East, the site April 24 of a fatal shooting of South Bend Police Corporal Nick Polizzotto. Tightened licensing

standards for all hotels are also aimed to improve conditions at residence hotels or motels, in which patrons reside for 30 days or more. They would ensure that police, fire inspectors and code-enforcement personnel have the most appropriate regulative tools at their disposal.

City officials have had conversations with neighbors, including Indiana University South Bend, which is building new student housing nearby. The city also has explored acquiring the Wooden Indian but the owner has “a highly inflated view” of the property’s worth, according to Mayor Stephen J. Luecke.

“This ordinance will be another tool – not just for the Wooden Indian but for any nuisance property – to help them comply with community standards so they’re good neighbors to those around them,” Luecke said. “One way or another, these properties will change for the better.”

The Common Council will have first reading of the proposed ordinance next Monday, Oct. 22. After it is assigned to a committee, there will be opportunity for public input and discussion. It could return for a public hearing and action as early as Nov. 2.

The city’s Legal Department researched similar ordinances earlier this year before drafting this proposed ordinance. For more than a month, the draft has been circulating among city departments, council members and representatives of the hotel industry for input. However, the ordinance, as filed, is still subject to revision based on input from the public and from Council members.

Calls for service, according to the ordinance, are defined as emergency police, fire, medical and code-enforcement calls that result in a representative being dispatched to the hotel, including calls in the surrounding neighborhood that can be traced to hotel staff, registered guests or visitors. Multiple calls for one discrete event shall count as one call for service, according to the ordinance.

According to the proposed ordinance, by Jan. 15 of each year, South Bend police will have determined each hotel’s call-for-service ratio from the previous calendar year and notified hotel operators of their classification for that calendar year.

- Tier 1 hotels would not be required to make any changes in methods of operation. They will pay an annual licensing fee ranging from \$95 to \$135, which reflects the city’s cost to administer and issue the licensing.
- Tier 2 hotels would be required to have a staff member on the property 24 hours per day, maintain an operable surveillance camera in the lobby and parking areas at all times, preserving tapes for at least 30 days, and participate in a crime-prevention assessment by South Bend police or their designates. Tier 2 hotels will pay a \$175 licensing fee.
- Tier 3 hotels would pay a \$505 annual licensing fee, “which is caused by the cost of monitoring and assuring compliance with the ordinance,” according to Leone.

A hotel classified as Tier 3 is required to:

- Meet all requirements of Tier 2 hotels.
- Require all guests to furnish government-issued photo identification at the desk, retaining a copy of the ID along with name, address and telephone number of employer and emergency contact, as well as home contact information and date of

birth of guest.

- Submit to the police the names, addresses, dates of birth and social security numbers of all employees, agents and managers – along with a criminal history for the previous 10 years before the license is issued.
- Submit a copy of training materials given to employees as well as management practices and procedures for check-in, security and emergencies.
- Maintain a strict 21 years or older policy for both guests and visitors, unless the guest is accompanied by a parent or legal guardian.
- Retain names and registration information of all people who have been arrested on the property, caused a disturbance, acted in a manner that necessitated a call to the police or did not follow hotel rules. The hotel is required to prohibit these parties from entering any portion of the hotel property for at least six months.
- Refuse to rent to known prostitutes, gang members, drug dealers or any person either visibly intoxicated or under the influence of illicit substances.
- Prohibit visitor access to any room between the hours of 11 p.m. and 6 a.m.
- Prominently post a copy of rules in the hotel registration area and all guest rooms.

The City administration “believes that this ordinance, when joined with the City’s existent regulation of unreasonable noise, curfew, fireworks, pan handling, solicitation and loitering, will add greatly to public safety and to the quality of life in South Bend,” Leone wrote in a cover letter to Council President Timothy A. Rouse. “We hope the Common Council will review this ordinance favorably.”

Hotels that have not previously operated in South Bend are presumed to be Tier 1 hotels for the purposes of licensing and fees during the first year of operation. The city may change the status of any Tier 1 or Tier 2 hotel during a calendar year in writing to the owner if a hotel’s call-for-service ratio has increased.

Annual licenses will be issued upon payment of fee and – for Tier 2 and Tier 3 hotels only – a police inspection ensuring the facility is “in substantial compliance with the operation requirements” of its classification.

The ordinance lays out provisions for license denial, appeal and revocation. Owners who choose to operate without a valid license or fail to comply with any requirements could face fines of \$2,500 for each day of violation.

“No civic-minded hotel owner need be concerned,” Luecke said. “But as owners of properties like the Bull’s Eye learned in the past, when we set our sights on a nuisance property we have the will to act to transform that location.”

After neighborhood concerns about continuing problems with criminal activity, Bull’s Eye Discount Liquors, along Lincolnway West, was acquired by the city and demolished in September 2000 to make room for a new Teachers Credit Union bank branch.